

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:23-3-2006

WRIT PETITION No. 5724 OF 2006

BETWEEN:

Mohd.Sabir and others

...Petitioners

And

**The Commissioner, Municipal Corporation of Hyderabad, Tankbund
Road, Hyderabad and another**

...Respondents

ORDER:

The petitioner questions the demand notice dated 8-3-2006 issued under Section 268 of the Hyderabad Municipal Corporations Act, 1955 (for short “the Act”), demanding the petitioner to pay a sum of Rs.63,353/- towards property tax up to the year ending on 31-3-2006 in respect of the property of the petitioner bearing Municipal No.5-9-7, Sadiabad, Hyderabad as illegal and arbitrary.

It is stated that a notice under Section 220(2) of Hyderabad Municipal Corporations Act, 1955 dated 21-10-2005 in B.No.2/TC6/C3/MCH/2005, Sl.No.88 was issued to the petitioner, stating that the Corporation has fixed the annual rental value as Rs.2,10,600/- in respect of the premises of the petitioner and half

yearly tax payable is Rs.33,776/- thereon. Accordingly, the petitioner was called up to submit his objections if any within 15 days. It is stated that the petitioner filed his objection petition on 7-11-2005, followed by another letter dated 8-12-2005, but without considering his objections and without issuing any notice for investigation as contemplated under Section 222 of the Act and without hearing the complainant under Section 223 , straight away issued the demand notice without any justification whatsoever. It is further stated that without following the due procedure prescribed under law, the Municipal Corporation has got issued a legal notice, demanding to pay the tax without referring to any of the orders pursuant to the notice issued under Section 222 of the Act.

I am of the opinion that all these contentions have to be considered by the Chief Judge, City Civil Court, Hyderabad who is the appellate authority and there is a right of appeal provided under Section 282 of the Act.

Having regard to the facts and circumstances of the case, the petitioner is permitted to file an appeal under Section 282 of the Act within 10 days from the date of receipt of copy of this order and if any such appeal is filed, till the disposal of the said appeal, there shall be stay of operation of the demand notice, subject to the condition of the petitioner deposits half of the demanded amount i.e., Rs.33,776/- (Rupees thirty three thousand, seven hundred and seventy six only) towards the yearly tax up to the year ending on 31-3-2006 and continues to pay the same for the next year also as and when due and demanded, pending disposal of the appeal.

The writ petition is disposed of accordingly.

V.ESWARAIAH,J

Date: 23-3-2006.

Shr.